

Terms of Reference: Royal Commission of Inquiry Response Steering Group

Purpose

The Response Steering Group (RSG) supports successful coordination and delivery of the work programme for Government's response to the Royal Commission of Inquiry (RCOI) report.

This Terms of Reference replaces that dated January 2021.¹

Context

The RCOI into the Terrorist Attack on Christchurch Mosques investigated the 15 March 2019 attack, including the performance of State sector agencies. It presented its report to Government in late November 2020. It contained multiple findings, which Cabinet accepted, and 44 recommendations that Cabinet agreed to in principle. Cabinet also agreed to the appointment of Hon. Andrew Little as the Lead Coordination Minister for the Government's response to the report².

Cabinet had previously charged the Security and Intelligence Board (SIB) with overseeing the Government response to the RCOI at officials' level, including appointing a Lead Official³. An expanded SIB was established comprising all agencies with an interest in the RCOI. SIB appointed the Deputy Chief Executive for National Security, Department of the Prime Minister and Cabinet (DPMC) as the Lead Official. DPMC, in turn, established a Response Steering Group (RSG).

Role of RSG

To support the successful coordination and delivery of the Government's RCOI response work programme, the RSG:

- Provides a forum for the development of timely and coordinated advice to the Lead Official and, where necessary, the expanded SIB on implementation of the 44 recommendations, and any additional actions considered appropriate in light of the report's contents.
- Supports the provision of coordinated advice by agencies to the Lead Coordination Minister, Responsible Ministers, the Prime Minister, and via Ministers to Cabinet on RCOI response matters.
- Supports effective and coordinated action by agencies on RCOI response matters, including outreach with community and other stakeholders⁴.

¹ DPMC document reference 4335340_1.

² CAB-20-MIN-0516 refers

³ ERS-19-0026 refers

⁴ This is noting the existence of the Outreach Working Group which is a sub group of the RSG and has its own Terms of Reference.

In discharging its role, the RSG shall:

- Scrutinise, challenge and ensure coordination of proposed responses to the RCOI report from agency and system-level perspectives; without cutting across agency operational accountabilities and straying into operational issues.
- Ensure communications and decisions flow between decision-makers and agencies.

The work of RSG is carried out through formal and informal meetings as well as out of session coordination as required.

Guiding principles for RSG

The RSG will work consistent with the overarching principles determined by Cabinet on how Government will respond to the RCOI report⁵. These are:

- Our vision is for a diverse, inclusive and safe New Zealand;
- Te Tiriti o Waitangi and its principles will guide our response;
- Victims and whānau of the attack will be at the centre of our response;
- We will strive for safer communities and a New Zealand that is more inclusive, with equal protections for all;
- We will be accountable and forward looking;
- We will be proactive in reaching out to communities;
- We will take practical actions that make a difference to people's lives.

The RSG is **not** a decision-making body; rather an advisory and coordinating one. Decisions for individual agencies will be made by their Chief Executives and leadership teams. Decisions relating to Government policies will be made by individual Ministers or by Cabinet, as appropriate. The position of the RSG in the overall RCOI response governance and decision-making structure is shown in the diagram attached as Appendix I.

Membership

The RSG is chaired by the Director, National Security Policy Directorate, DPMC.

Members are senior agency representatives who can speak to their agency's positions on matters under discussion from:

- Te Tari Ture o te Karauna / Crown Law
- Ara Poutama Aotearoa / Department of Corrections
- Te Tari Taiwhenua / Department of Internal Affairs

⁵ CAB-20-MIN-0516 refers

- Te Tari o te Pirimia me te Komiti Matua / Department of the Prime Minister and Cabinet
 - National Security Group
 - Policy Advisory Group
 - Head of Secretariat of Kāpuia – the Ministerial Advisory Group
- Te Tira Tiaki / Government Communications Security Bureau
- Hīkina Whakatutuki / Ministry of Business, Innovation and Employment
- Te Tari Mātāwaka / Ministry for Ethnic Communities
- Manatū Aorere / Ministry of Foreign Affairs and Trade
- Manatū Kaupapa Waonga / Ministry of Defence
- Te Tāhuhu o te Mātauranga / Ministry of Education
- Te Tāhū o te Ture / Ministry of Justice
- Te Manatū Whakahiato Ora / Ministry of Social Development
- Te Mana Ārai o Aotearoa / New Zealand Customs Service
- Te Ope Kātua o Aotearoa / New Zealand Defence Force
- Ngā Pirihimana o Aotearoa / New Zealand Police
- Te Pā Whakamarumarū / New Zealand Security Intelligence Service
- Te Kawa Mataaho / Public Service Commission
- Tatauranga Aotearoa / Statistics New Zealand
- Te Tahi Ōhanga / The Treasury

Membership may be expanded at the direction of the Lead Official to ensure all agencies with interests in the response are represented. Additional representatives may be asked to participate at the Chair's discretion.

Agency attendance needs may vary for specific meetings, depending on agenda topics. Acknowledging this, invitations for some meetings sent to some agency representatives may indicate their attendance as being optional only.

For continuity, agencies will ensure one ongoing member of their choosing on the RSG, with one alternate.

The Treasury, in addition to its specific RSG membership, also has a role to provide high-level guidance, as appropriate, on matters with fiscal implications.

At the commencement of each meeting the Chair will ask members to declare any Conflicts of Interest against the meeting agenda content. Any conflicts declared will be managed by the Chair and recorded in the minutes for the meeting in question.

Responsibilities of members

RSG members shall:

- Read all papers provided prior to meetings so they can represent the views of their agency and can contribute to constructive and informed discussions.
- Prepare any feedback or questions they may have ahead of meetings.
- Provide up to date advice and guidance (including risks and opportunities) on implementation of the RCOI recommendations, along with any additional actions that support the intent of the RCOI report.
- Ensure key messages, discussion and/or documents are disseminated to ensure effective communication within the responsible agencies.
- Ensure the principles determined by Cabinet on how to respond to the recommendations are consistently applied.
- Work collectively, and with an open mind, to achieve alignment and transparency in responding to RCOI recommendations.
- Complete actions assigned to them in a timely way.

Meetings will generally be held at IN-CONFIDENCE, with other arrangements possible if higher level consultations are required on discrete issues.

Coordination and alignment with other Groups

The DPMC Chair of the Counter-Terrorism Coordination Committee (CTCC), a sub-committee of SIB, will be an ex-officio RSG member. CTCC coordinates and drives activity across the counter-terrorism (CT) system to implement the national Counter-Terrorism Strategy (CT Strategy). The CTCC Chair is responsible for ensuring RSG recommendations and the Counter-Terrorism Work Programme are appropriately aligned.

The Ministry of Social Development chaired Social Cohesion Officials Group (SCOG) leads and oversees the cross-agency work programme to improve social cohesion in New Zealand. MSD and other agency members of SCOG are also RSG members. This supports alignment between both group's activities and the flow of information between them.

Support and Coordination

The RSG is supported by the DPMC RCOI Response and Engagement Team. That team will ensure that members are provided with advance notice of upcoming meetings, and copies of meeting agendas and supporting documents in a timely manner, in addition to providing advice to the Chair. Minutes shall be prepared for each meeting for acceptance at the following meeting.

Risk Governance

The DPMC RCOI Response and Engagement Team will maintain a register of risks and issues for the successful delivery of the overall RCOI report response programme, including those relating

to RSG delivering on its purpose and role, as set out in this Terms of Reference. The register will not address risks and issues for individual agency work streams as it is expected agencies will be managing those via their internal management processes.

Consideration of the identified risks and issues on the register will be a standing agenda item at each RSG meeting.

Publication of Minutes

Minutes of RSG meetings will be published on the DPMC website, after they have been accepted by RSG members, with any necessary redactions for information that is not appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that applies will be identified.

Appendix I: Governance Structure RCOI Response and Implementation Governance

